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10/031,405	01/18/2002	Frank Among	A7736	2070

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02/09/2007

EXAMINER

BORISSOV, IGOR N

ART UNIT

PAPER NUMBER

3628

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/031,405

Applicant(s)

AMONG ET AL.

Examiner

Igor N. Borissov

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13, 71-130, 152-158 and 164-166 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13, 71-130, 152-158 and 164-166 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11/12 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Response to Amendment***

Amendment received on 11/20/2006 is acknowledged and entered. Claims 14-70, 140-151, and 159-163 have been canceled. Claim 89 has been amended. New claims 165 and 166 have been added. Claims 1-13, 71-130, 152-158 and 164-166 are currently pending in the application.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 89-112 and 130-139 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 89 recites:

"A computer-implemented system for selecting a final option, comprising: a plurality of parameters ...;

a plurality of components simultaneously presented in a display of a computer ...;

a plurality of options calculated by the computer ...;"; which is confusing. It is not clear to what extend the terms *parameters* and *options* represent structural elements.

Independent claim 130 recites:

"A user interface implemented on a computer for selecting an option, having a first screen that comprises:

a first object comprising at least one field for a user to enter information corresponding to an itinerary;

a second object comprising a plurality of components indicative of corresponding travel options, each of said components having at least one parameter that receives

parameter information from a user, and each of said travel options having a plurality of sequential destinations;

an activation object that transmits via a communication system said information entered by said user in said first and second objects to a processor that monitors and determines availability of a sub-option corresponding to one of said plurality of components, said processor generating a plurality of options in accordance with an inventory level of each of said plurality of components."; which is confusing.

First, it is not clear to what extend the terms *objects* (which are displayed) represent structural elements.

Second, claim language appears to recite computer-readable instructions which when implemented by a computer causing the computer to implement the method steps as recited in the claim. In order to implement computer-readable instructions on a computer, said computer-readable instructions have to be embedded in a computer-readable medium. However, there is no indication in the claim that said computer-readable instructions are embedded in the computer-readable medium. Therefore, the claim does not recite computer-readable medium having instruction embedded therein.

Furthermore, a question may be raised how many statutory classes are presented in the claim, because the term "user interface" can be understood (or implemented) as a hardware. However, the claim recites no structural element required for an apparatus claim.

The remaining claims are rejected for similar reasons.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 1-13, 71-130, 152-158 and 164-166 are rejected under 35 U.S.C. 102(e) as being anticipated by Dettlelback et al. (US 5,253,166).**

Independent Claims

Claim 1. Dettelback et al. (Dettelback) teaches a method for reservation of travel packages, comprising:

displaying a plurality of components received in a client computer, each of said plurality of components having a parameter (Figs. 3 and 4);

selecting by a client at least one of the plurality of components (C. 4, L. 45-50);

manipulating by the client information for at least one parameter of the at least one selected component (C. 4, L. 45-50);

transmitting by the client computer to a server said manipulated parameter information received from said client for said the at least one selected components (C. 3, L. 65 - C. 4, L.25);

calculating by the server a plurality of options, each of said plurality of options comprising at least one sub-option that corresponds to a value of one of said the at least one selected components, the at least one sub-option is selected in accordance with said received manipulated parameter information, each of the at least one sub-option represents inventory manipulated by a seller in real-time (obtaining current data indicates real-time environment) (Fig. 3; C. 12, L. 9);

receiving by said client computer from said server the calculated plurality of options (C. 3, L. 65 - C. 4, L.25);

creating by the client a final option based on selecting at least two sub-options from at least two of the received plurality of options and requesting by the client a reservation of the created final option (C. 3, L. 65 - C. 4, L.25);

transmitting by the client computer to said server said created final option and the reservation request (C. 3, L. 65 - C. 4, L.25);

transmitting by the server to the client computer the generated confirmation (C. 5, L. 39; C. 7, L. 59).

Claims 71 and 89. Dettlelback teaches a method and system for reservation of travel packages, comprising:

- displaying a plurality of components at a client computer, at least some of said plurality of components having a parameter (Figs. 3 and 4);

- selecting by a client at least one of the displayed plurality of components (C. 4, L. 45-50);

- manipulating by the client information for at least one parameter of the at least one selected component (C. 4, L. 45-50);

- receiving by the server from the client computer a first input signal having the selected components and the manipulated at least one parameter (C. 4, L. 45-50; C. 3, L. 65 - C. 4, L.25);

- calculating by the server a plurality of options, each of said plurality of options having a sub-option comprising a value corresponding to one of said plurality of components, and said value is generated in accordance with said user-determined value of said parameter (Fig. 3);

- receiving by the client computer from the server the calculated plurality of options (Fig. 3; C. 3, L. 65 - C. 4, L.25);

- selecting by the client various sub-options from at least two of the plurality of options (Figs. 3 and 4);

- receiving by the server from the client computer the selected various sub-options (Figs. 3 and 4; C. 3, L. 65 - C. 4, L.25);

- creating by the server the customized travel package comprising a plurality of destinations corresponding to said components in an itinerary having a single price (Figs. 3 and 4);

- receiving the created customized travel package by the client computer from the server for displaying the customized travel package to the client (Figs. 3 and 4; C. 3, L. 65 - C. 4, L.25).

Claim 113. Dettlelback teaches a system for reservation of travel packages, comprising:

- a first processor (Fig. 1A; C. 3, L. 65 - C. 4, L.25);
- a second processor (Fig. 1A; C. 3, L. 65 - C. 4, L.25);
- wherein said first processor is configured to display:
  - a first object implemented comprising at least one field for a user to enter information corresponding to an itinerary (Figs. 3 and 4);
  - a second object comprising a plurality of components indicative of corresponding travel options, each of said components having at least one parameter that receives parameter information from a user, and each of said travel options having a plurality of sequential destinations (Figs. 3 and 4);
  - an activation object (Figs. 3 and 4);
- and wherein said first processor is further configured to transmit said information entered by said user to said second processor, said second processor is configured to generate a plurality of options in accordance with an inventory level of each of said plurality of components (Figs. 3 and 4; C. 3, L. 65 - C. 4, L.25).

Claims 152, 155 and 158. Dettleback teaches a method, a computer-readable medium having computer-readable instructions for implementing said method, and system for reservation of travel packages, comprising:

- displaying by a computer a plurality of travel groups, each group comprising a combination of a plurality of components, said combination being different from other of the at least two travel groups and said plurality of components comprising air travel, hotel accommodations, and car rental (Figs. 3 and 4);

- receiving by the computer a first client selection comprising a travel group and information input by the user for every desired component of the travel group (C. 4, L. 45-50; C. 3, L. 65- C. 4, L.25);

- calculating by the computer travel packages, each of the travel packages comprising a value for each component in the selected travel group based on the information input by the user (Fig. 3);

- displaying by the computer the calculated travel packages (Fig. 3);

receiving by the computer a second client selection of components elected from the displayed travel packages, at least two of the selected components are selected from different displayed travel packages (Figs. 3 and 4);

creating by the computer a customized travel package based on the second client selection (C. 2, L. 40-45);

displaying by the computer the created customized travel package (Fig. 3).

#### *Dependent Claims*

The remaining dependent claims are rejected on the same rationale as rejected independent claims.

#### ***Response to Arguments***

Applicant's arguments filed 11/20/06 have been fully considered but they are not persuasive.

In response to applicant's argument that the prior art fails to disclose receiving, by a user, various packages based on the input parameters and allowing the user to select components from various travel packages to obtain a customized package and making a reservation for the requested final package, it is noted that Dettelbach et al. does, in fact, disclose this features. Specifically, Dettelbach et al. teaches displaying a plurality of components including parameters at a client computer (Figs. 3 and 4); selecting by a client at least one of the displayed plurality of components (C. 4, L. 45-50); calculating by the server a plurality of options each having a sub-option comprising a value corresponding to one of said plurality of components (Fig. 3); displaying to the user the calculated plurality of options (Fig. 3; C. 3, L. 65 - C. 4, L.25); selecting by the user various sub-options (Figs. 3 and 4; C. 3, L. 65 - C. 4, L.25); presenting to the user a customized travel package comprising a plurality of destinations corresponding to said components in an itinerary having a single price (Figs. 3 and 4).



In response to applicant's argument that Dettelbach et al. is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Dettelbach et al. relates to creating customized travel packages based on the specific travel policy of a user, wherein the user can select and change various parameters in the suggested itinerary.

In response to the applicant's argument that Dettelbach et al. fails to disclose interactive communication between a client computer and a server, it is noted that Dettelbach et al. explicitly teaches: "The record keeping system 10 is capable of communication with one or more customer airline computer reservation systems" (C. 3, L. 36-37). Furthermore, Dettelbach et al. discloses various interaction modes available to the operator of the system.

### ***Conclusion***

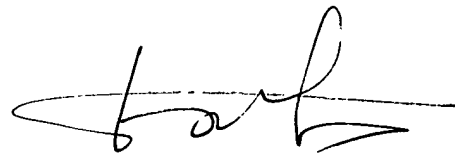
Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IB

02/05/2007

A handwritten signature in black ink, appearing to read 'Igor N. Borissov', with a stylized, flowing script.

IGOR N. BORISSOV  
PRIMARY EXAMINER